

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Tsutomu Okada	Examiner:	Matthew J. Kasztejna
Serial No:	10/764,892	Art Unit:	3739
Filed:	January 26, 2004	Docket:	17376
For:	DIATHERMIC SNARE, MEDICAL INSTRUMENT SYSTEM USING THE SNARE, AND METHOD OF ASSEMBLING THE MEDICAL INSTRUMENT SYSTEM	Dated:	October 26, 2007

Confirm. No.: 9699

Mailstop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

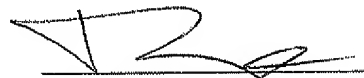
In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following reference, which is also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. German Laid-Open Patent Publication No. DE 101 26 062 A1, dated December 13, 2001.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent & Trademark Office via Electronic Filing through the United States Patent and Trademark Office e-business website, on October 26, 2007.

Dated: October 26, 2007


Thomas Spinelli


The reference was cited in an Office Action received from the German Patent Office. A date-of-receipt stamped letter (October 12, 2007) to establish the date on which the German Office Action was received is also enclosed. Applicant is submitting a copy of the above-cited reference required by 37 C.F.R. 1.98 (a)(2)(i) and (ii), together with a copy of the Office Action and an English translation thereof. The relevance of the above-identified reference has been described in the Office Action.

In compliance with the requirements of 37 C.F.R. §1.98(a)(3), as a concise statement of relevance, as it is presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information, the undersigned attorney of record submits a translation of the official action by a foreign examiner in which the reference was cited. The relevance to the pending U.S. patent application is that the reference was cited in a foreign patent application on the same subject matter. However, no independent analysis of the reference, the accuracy of the statement of the foreign examiner or the claims of the foreign application under the laws of that country or the United States relative to the subject matter claimed in the present application has been made; the present understanding of the contents thereof by the undersigned being based on the translation of the foreign examiner's comments submitted herewith.

The undersigned attorney hereby states that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Inasmuch as this Information Disclosure Statement is also being submitted in accordance with the schedule set out in 37 C.F.R. § 1.704(d), a statement is attached.

Respectfully submitted,



Thomas Spinelli
Reg. No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:jam